

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3847 of 2019

- Smt. Banita Bariha, S/o Kavitalal Bariha, Aged About 31 Years, R/o Village Singarpur, Police-Station Sankra, Tahsil-Pithoura, District-Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Sankra, District Mahasamund Chhattisgarh.

---- Respondent

MCRC No. 4375 of 2019

1. Kavitalal, S/o Andharu Bariha, Aged About 35 Years, R/o Village Singarpur, Police-Station-Sankra, Tahsil Pithora, District-Mahasamund, Chhattisgarh.
2. Vasudev Pradhan, S/o Haldhar Pradhan, R/o Village Singarpur, Police Station-Sankra, Tahsil Pithora, District-Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Sankra, District Mahasamund Chhattisgarh.

---- Respondent

&

MCRCA No. 970 of 2019

- Bhagirathi, S/o Jaykrishna, Aged About 22 Years, Caste Kolta, R/o Village-Singarpur, Police-Station-Sankra, Tahsil-Pithora, District-Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Sankra, District-Mahasamund, Chhattisgarh.

---- Respondent

For Applicants : Mr. Utkal Pradhan, Advocate in MCRC Nos.
No.3847/2019 & 4375 of 2019.

Mr.Vikash Pradhan, Advocates in MCRC(A)

For Respondent/ State : No. 970 of 2019.
Mr. Devendra Pratap Singh, Dy. Adv.
General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/07/2019

1. Since the above bail applications are similar in nature and arise out of the same chain of incident, they are being heard and decided together by this common order.
2. Applicant in M.Cr.C(A) Nos.970/2019 has filed this application seeking anticipatory bail as he apprehends his arrest in connection with Crime No.90/2019 registered at Police Station-Sankra, District-Mahasamund for the offence punishable under Section 306/34 Indian Penal Code (for short 'IPC').
3. Applicants in M.Cr.C. Nos.3847/2019 & 4375 of 2019 have filed this application seeking regular bail as they are in custody in connection with Crime No.90/2019 registered at Police Station-Sankra, District-Mahasamund for the offence punishable under Section 306/34 Indian Penal Code (for short 'IPC').
4. Learned counsel for applicants submitted that applicants have been falsely implicated in this case. There is nothing on the part of these applicants to show that they have committed any act which can be regarded as abetment to commit suicide. Applicants in MCRC No.3847 of 2019 & 4375 of 2019 are in jail since 7.5.2019. Hence, it is prayed that the applicants may be released on regular/ anticipatory bail.

5. Learned State counsel opposes the bail applications and submissions made in this respect.
6. Heard both the parties and perused the case diary.
7. According to prosecution case, deceased Shobharam Patel was working as 'Tractor Driver' of applicant Banita Bariha in MCRC No.3847 of 2019. On 2.4.2019 the allegation was made against him by the applicants in all these cases that he had eve-teased applicant Banita Bariha. When the deceased denied eve-teasing, he was forcefully made to swear before the God. The deceased then went missing and thereafter his body was found hanging from a tree on 5.4.2019. After morgue inquiry, FIR was lodged on the same day i.e. 5.4.2019 against these applicants.
8. As no overt act is attributed to these applicants and even there is nothing to show as to what had transpired soon before death of the deceased, therefore, I am of this opinion, that bail applications, regular/anticipatory, of all the applicants are deserve to be allowed.
9. Accordingly, the anticipatory bail application filed on behalf of applicant is allowed and it is directed that in the event of his arrest in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/his from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

10. Bail applications bearing M.Cr.C. No.3847/2019 & 4375 of 2019 are also allowed. It is directed that the applicants in these bail applications shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge